

**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**

**As the below named inventor, I hereby declare that:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **PROCESS FOR DETERMINING OBJECT LEVEL PROFITABILITY** the specification of which (check one)

X is attached hereto  
\_\_\_\_\_ was filed on \_\_\_\_\_  
Application Serial No. \_\_\_\_\_  
and was amended on (or amended through \_\_\_\_\_)  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the filing date of the

prior application and the national or PCT International filing date of this application.

|                   |                      |                |
|-------------------|----------------------|----------------|
| <u>60/128,769</u> | <u>April 9, 1999</u> | <u>Pending</u> |
| Appln. Ser. No.   | Filing Date          | Status         |

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| <u>PROCESS FOR DETERMINING<br/>OBJECT LEVEL PROFITABILITY</u> | <u>BERK-37617</u>   |
| Title                                                         | Attorney Docket No. |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Scott W. Kelley, Registration No. 30,762; Stuart O. Lowry, Registration No. 26,563; John D. Bauersfeld, Registration No. 24,496; John E. Kelly, Registration No. 24,269; Kamran Fattahi, Registration No. 35,758; and Aaron T. Borrowman, Registration No. 42,348.

Direct all telephone calls to Scott W. Kelley, Esq. at telephone No. (818) 347-7900.

Address all correspondence to:

Scott W. Kelley  
KELLY BAUERSFELD LOWRY & KELLEY, LLP  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, California 91367

**Inventor's signature:**

**Residence:** London, United Kingdom

**Post Office Address: Park House  
21 Ravenscourt Park  
London W8 0TJ  
United Kingdom**

Applicant or Patentee: Richard Tad Lepman

Serial or Patent No:

Filed or Issued: Concurrently

For: PROCESS FOR DETERMINING OBJECT LEVEL PROFITABILITY

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c))  
SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below  
☒ an official of the small business concern empowered to act on  
behalf of the concern identified below:

NAME OF CONCERN: Berkeley \* IEOR

ADDRESS OF CONCERN: 687 Spruce Street

Berkeley, California 94707

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: PROCESS FOR DETERMINING OBJECT LEVEL PROFITABILITY by Richard Tad Lepman described in

☒ [X] the specification filed herewith

☐ [ ] Application Serial No. , filed

☐ [ ] Patent No. , issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*Note: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: None

ADDRESS:

☐ [ ] Individual ☐ [ ] Small Business Concern

☐ [ ] Nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to

be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Richard Tad Lepman

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 687 Spruce Street

Berkeley, California 94707

SIGNATURE

DATE:

*Richard Tad Lepman, President*  
*April 7*, 2000